

Hearing Officer Transmittal Checklist

Hearing Date
9/17/13
Agenda Item No.
7

Project Number: R2013-01000-(4)
Case(s): Conditional Use Permit Case No. 201300053
Planner: Steve Mar

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☐ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Dept. of Alcoholic Beverage Control B&P Worksheet
- ☒ Sheriff Dept. Correspondence
- ☒ Rowland Heights Community Coordinating Council E-mail Correspondence

Reviewed By:





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2013-01000-(4)

HEARING DATE

September 17, 2013

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201300053

PROJECT SUMMARY

OWNER / APPLICANT

Lazben Investment Rowland Heights LLC / Jilong Inc. (Oba
Ton Ten Ko Sushi)

MAP/EXHIBIT DATE

Oct. 2010 (site plan), Aug. 2010 (floor plan)

PROJECT OVERVIEW

The applicant, Ton Ten Ko Sushi, is requesting a conditional use permit (CUP) for a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption) at an existing 2,000 sq. ft restaurant located within an existing shopping center (Hong Kong Plaza) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.220 and 22.56.195. The applicant was previously approved for a Type 41 license under CUP 97184 on June 18, 1998. The applicant plans to continue operating under a Type 41 license and would like the option of extending alcohol sales to allow full line alcohol under a Type 47 license if desired in the future. There are nine other establishments within a 500-ft radius that sell alcohol.

LOCATION

18438 Colima Road, #107, Rowland Heights

ACCESS

Via Colima Rd., Jellick Ave., Sierra Leone Ave., Baston Ave.

ASSESSORS PARCEL NUMBER(S)

8253-001-002

SITE AREA

9.91 Acres (site), 2,000 sq. ft. (restaurant)

GENERAL PLAN / LOCAL PLAN

Rowland Heights Community Plan

ZONED DISTRICT

Puente

LAND USE DESIGNATION

C - Commercial

ZONE

C-3-BE (Neighborhood Commercial – Billboard Exclusion)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Rowland Heights CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Rowland Heights Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.132 (Rowland Heights CSD requirements)
 - 22.28.220 (C-3 Zone Development Standards)

CASE PLANNER:

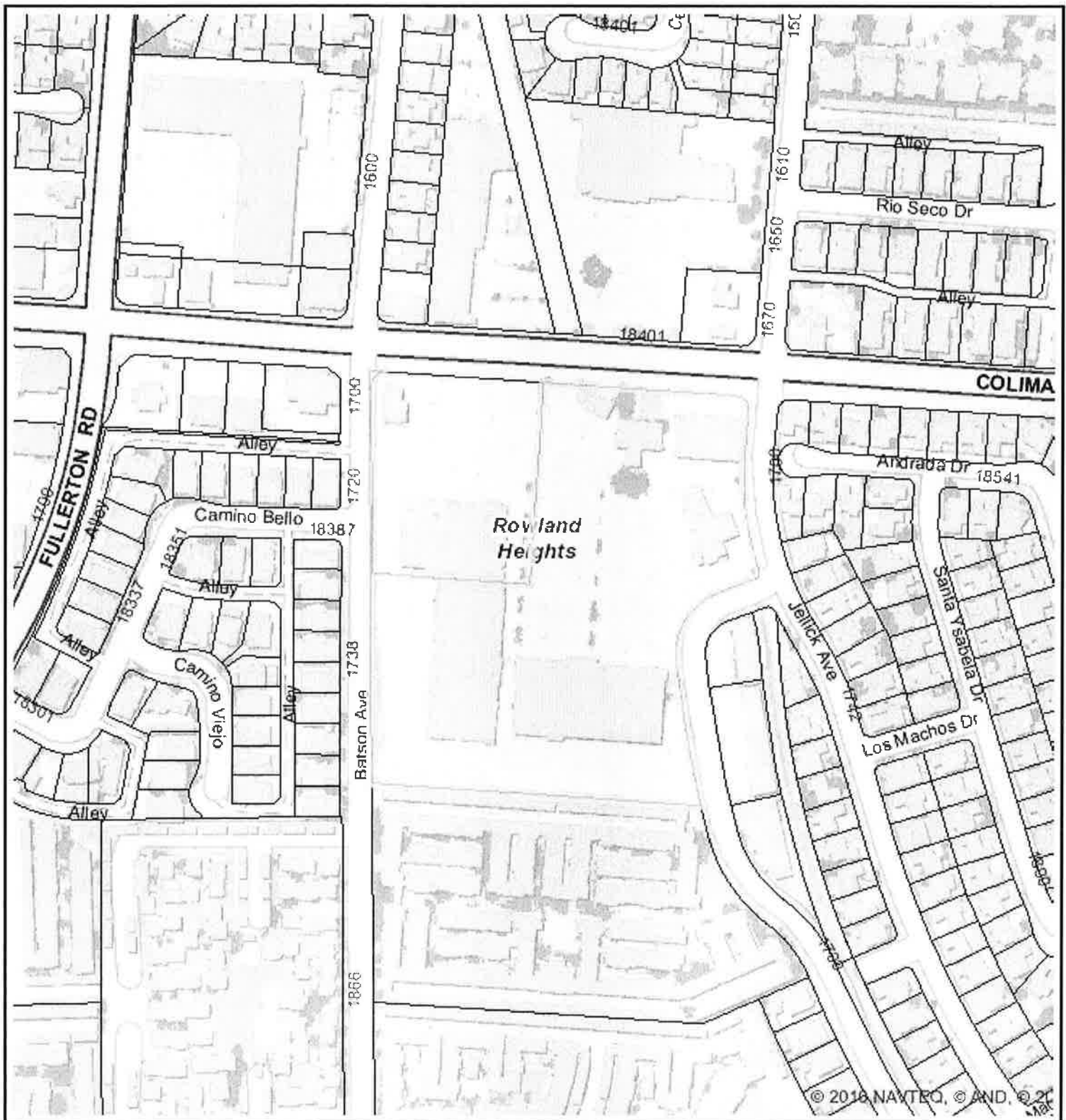
Steve Mar

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R2013-01000-(4) / CUP201300053

18438 Colima Rd., #107, Rowland Heights

Printed: Aug 05, 2013



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Feet

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption) at an existing restaurant located within an existing shopping center in the C-3-BE (Unlimited Commercial – Billboard Exclusion) Zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The applicant, Ton Ten Ko Sushi, is requesting a conditional use permit (CUP) for a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption) at an existing 2,000 sq. ft restaurant located within an existing shopping center (Hong Kong Plaza) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.220 and 22.56.195. The applicant was previously approved for a Type 41 license under CUP 97184 on June 18, 1998. The applicant plans to continue operating under a Type 41 license and would like the option of extending alcohol sales to allow full line alcohol under a Type 47 license if desired in the future. There are nine other establishments within a 500-ft radius that sell alcohol.

EXISTING ZONING

The subject property is zoned C-3-BE (Unlimited Commercial – Billboard Exclusion).

Surrounding properties are zoned as follows:

North: C-2-BE (Neighborhood Commercial – Billboard Exclusion)

South: R-3 (Limited Multiple Residence)

East: R-1-6000 (Single-family Residence – 6,000 sq. ft. Minimum Required Area)

West: R-3-30U (Limited Multiple Residence – 30 Units Per Acre)

EXISTING LAND USES

The subject property is developed with a shopping center.

Surrounding properties are developed as follows:

North: Shopping center, supermarket

South: Multi-family Residences

East: Single-family Residences, Office, Retail

West: Multi-family Residences, Retail, Office

PREVIOUS CASES/ZONING HISTORY

The zoning history of this parcel is as follows: A1-10,000 (1948), C-4 Restricted Commercial (April 19, 1955), C-3-BE (April 24, 1980).

Conditional Use Permit No. 97184 – Approved June 18, 1998, for the sale of beer and wine for on-site consumption at a restaurant.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a CUP to allow the sale of alcoholic beverages at an existing restaurant. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the C – Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail commercial, service, and office uses. The existing restaurant and shopping center on the site fit this category and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
The project retains the restaurant's ability to serve alcoholic beverages and expands its beverage selection to customers.
- *Focus intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area and supported by adequate public transportation facilities.*
- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*
- *Encourage the development of ethnic community theme centers that would preserve and enhance cultural diversity.*
- *Encourage the retention of jobs and investments in older urban areas and prevent losses to other counties, regions, and states.*

The project retains the restaurant's ability to serve alcoholic beverages and maintains the existing business within the existing shopping center. The restaurant and the shopping center match the ethnic and cultural diversity of the neighborhood. The restaurant is located at an appropriate location for full-line on-site alcohol and food service and enhances the shopping center and street where it is situated.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Freestanding portable signs are prohibited.*
- *Limit signs to one for each street frontage of a shopping center listing all businesses. The sign should reflect the architectural style of the center.*
- *All businesses in a center (three establishments or more) should present a general harmony of facades.*

The sale of alcoholic beverages at the existing restaurant will not affect existing signs or facades of the shopping center. The shopping center currently provides adequate signage and acceptable facades.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3-BE Zone are subject to the following development standards:

- Section 22.28.220-B states that parking shall be provided according to Section 22.52.1100 of the County Code. Parking for restaurants shall provide one parking space for each three persons based on the occupant load as determined by the County engineer. Based on the shopping center's parking matrix, the restaurant would require 35 parking spaces. The shopping center was permitted with a restaurant use at this location. As such, the 624 parking spaces currently provided for the shopping center includes the required parking for the existing subject restaurant.
- Section 22.28.220-C states the requirements for outside display in Zone C-3. Outside display is prohibited except for outdoor advertising signs. The project is not proposing any additional outside display and complies with this requirement.
- Section 22.28.220-D states the requirements for outside storage in Zone C-3. No outside storage is shown on the site plan or being proposed for the project and complies with this requirement.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to the following development standards:

- Structure height – Structures in the C-3 zone shall not exceed a height of 45 feet above grade. The existing shopping center meets this requirement.

Neighborhood Impact/Land Use Compatibility

The sale of alcoholic beverages at an existing restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there are nine other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales, one Type 21 license for off-site general alcohol, and one Type 88 license for instructional tasting. Although this constitutes an undue concentration under code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. The ability to serve full-line alcohol would also be a unique service to the community as other nearby on-site alcohol restaurants serve beer and wine only. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing restaurant has been in business for over five years at this location. Current zoning allows for the selling of alcoholic beverages once a CUP has been obtained. The restaurant already serves alcoholic beverages with an existing CUP and the selling of full-line alcohol will not be materially detrimental to the use, enjoyment, or valuation of property in the vicinity.

Public health and safety will not be endangered by this restaurant's request to serve full-line alcohol.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing restaurant is located inside of an existing commercial shopping center. The shopping center meets all size and shape requirements of Title 22.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

2. By other public or private service facilities as are required.

The existing restaurant is located in a commercial shopping center that is served by three local streets that are sufficient in width and improved to carry the quantity of traffic for the center.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

The subject restaurant is not located within a 600 ft. radius of any of these uses.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The existing restaurant is located inside a shopping center. The restaurant's front entrance faces inside the center. The shopping center's parking lot and a concrete block wall serves as a buffer area to the adjacent residences to the south at the rear of the center.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

Currently, there are nine other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales, one Type 21 license for off-site general alcohol, and one Type 88 license for instructional tasting. Although this constitutes an undue concentration under code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. The ability to serve full-line alcohol would also be a unique service to the community as other nearby on-site alcohol restaurants serve beer and wine only.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The proposed sale of alcoholic beverages at an existing restaurant will not adversely affect the economic welfare of the surrounding community. The sale of alcoholic beverages will enhance the economic activity in the neighborhood.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

There is no proposed work to be done on the exterior of the structure.

Burden of Proof

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Station

The County of Los Angeles Sheriff's Department, Walnut Station, researched the database from June 1, 2008, thru May 30, 2013. Upon review of the application, the Sheriff's Department had no objection to the Conditional Use Permit to authorize the sale of alcoholic beverages for on-site consumption (report attached).

Zoning Violations

There are currently no zoning violations reported for the site.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 2932. The average number of offenses reported is 90.9 and the actual number of crimes reported for District 2932 is 403.

The subject property lies within Census Tract 4087.24. There are currently 3 existing alcohol licenses in this census tract and 5 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses does not exist within Census Tract 4085.03.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

Rowland Heights Community Coordinating Council

The Rowland Heights Community Coordinating Council has reviewed the application and had no objection to the granting of the Conditional Use Permit.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2013-01000-(4), Conditional Use Permit Number 201300053, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201300053 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statements
Correspondence
Site Plan, Land Use Map

MM:SM
9/17/13

**[DRAFT] FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-01000-(4)
CONDITIONAL USE PERMIT NO. 201300053**

1. **ENTITLEMENT REQUESTED.** The applicant, Ton Ten Ko Sushi, is requesting a Conditional Use Permit (CUP) to authorize a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption), previously approved for a Type 41 license under CUP 97184 on June 18, 1998, at an existing located within an existing shopping center (Hong Kong Plaza) pursuant to County Code Section 22.28.210 in the C-3-Be (Unlimited Commercial – Billboard Exclusion Zone).
2. **HEARING DATE.** September 17, 2013
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.**
4. **PROJECT DESCRIPTION.** The applicant, Ton Ten Ko Sushi, is requesting a conditional use permit (CUP) for a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption) at an existing 2,000 sq. ft restaurant located within an existing shopping center (Hong Kong Plaza) in the C-3-BE (Unlimited Commercial – Billboard Exclusion) zone in the Puente Zoned District pursuant to Los Angeles County Code Sections 22.28.220 and 22.56.195. The applicant was previously approved for a Type 41 license under CUP 97184 on June 18, 1998. The applicant plans to continue operating under a Type 41 license and would like the option of extending alcohol sales to allow full line alcohol under a Type 47 license if desired in the future. There are nine other establishments within a 500-ft radius that sell alcohol.
5. **LOCATION.** The subject property is located at 18438 Colima Rd. in the unincorporated community of Rowland Heights and in the Puente Zoned District.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the existing 9.91 acre shopping center containing 624 parking spaces located along Colima Road. The subject restaurant is located within the shopping center and is accessed through the inside of the center.
7. **EXISTING ZONING.** The subject property is zoned C-3-BE (Neighborhood Commercial – Billboard Exclusion).
The existing zoning for the surrounding properties are as follows:
North: C-2-BE (Neighborhood Commercial – Billboard Exclusion)
South: R-3 (Limited Multiple Residence)
East: R-1-6000 (Single-family Residence – 6,000 sq. ft. Minimum Required Area)
West: R-3-30U (Limited Multiple Residence – 30 Units Per Acre)
8. **EXISTING LAND USES.** The subject property contains a shopping center. The existing land use for the surrounding properties are as follows:
North: Shopping center, supermarket
South: Multi-family Residences
East: Single-family Residences, Office, Retail
West: Multi-family Residences, Retail, Office
9. **PREVIOUS CASES/ZONING HISTORY.** A1-10,000 (1948), C-4 Restricted Commercial (April 19, 1955), C-3-BE (April 24, 1980).

Conditional Use Permit No. 97184 – Approved June 18, 1998, for the sale of beer and wine for on-site consumption at a restaurant.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the C – Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail commercial, service, and office uses. The existing restaurant and shopping center on the site fit this category and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*
The project retains the restaurant's ability to serve alcoholic beverages and expands its beverage selection to customers.
- *Focus intensive urban uses in an interdependent system of activity centers located to effectively provide services throughout the urban area and supported by adequate public transportation facilities.*
- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*
- *Encourage the development of ethnic community theme centers that would preserve and enhance cultural diversity.*

The project retains the restaurant's ability to serve alcoholic beverages and maintains the existing business within the existing shopping center. The restaurant and the shopping center match the ethnic and cultural diversity of the neighborhood. The restaurant is located at an appropriate location for full-line on-site alcohol and food service and enhances the shopping center and street where it is situated.

The following policies of the Rowland Heights Community Plan are applicable to the proposed project:

- *Freestanding portable signs are prohibited.*
- *Limit signs to one for each street frontage of a shopping center listing all businesses. The sign should reflect the architectural style of the center.*
- *All businesses in a center (three establishments or more) should present a general harmony of facades.*

The sale of alcoholic beverages at the existing restaurant will not affect existing signs or facades of the shopping center. The shopping center currently provides adequate signage and acceptable facades.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.28.220 of the County Code, establishments in the C-3-BE Zone are subject to the following development standards:

- Section 22.28.220-B states that parking shall be provided according to Section 22.52.1100 of the County Code. Parking for restaurants shall provide one parking

space for each three persons based on the occupant load as determined by the County engineer. Based on the shopping center's parking matrix, the restaurant would require 35 parking spaces. The shopping center was permitted with a restaurant use at this location. As such, the 624 parking spaces currently provided for the shopping center includes the required parking for the existing subject restaurant.

- Section 22.28.220-C states the requirements for outside display in Zone C-3. Outside display is prohibited except for outdoor advertising signs. The project is not proposing any additional outside display and complies with this requirement.
- Section 22.28.220-D states the requirements for outside storage in Zone C-3. No outside storage is shown on the site plan or being proposed for the project and complies with this requirement.

Pursuant to Section 22.44.132 of the County Code, establishments in the Rowland Heights Community Standards District (CSD) are subject to the following development standards:

- Structure height – Structures in the C-3 zone shall not exceed a height of 45 feet above grade. The existing shopping center meets this requirement.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The sale of alcoholic beverages at an existing restaurant on the subject property is compatible with the surrounding neighborhood and provides a needed service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there are nine other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales, one Type 21 license for off-site general alcohol, and one Type 88 license for instructional tasting. Although this constitutes an undue concentration under code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. The ability to serve full-line alcohol would also be a unique service to the community as other nearby on-site alcohol restaurants serve beer and wine only. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

Sheriff's Station

The County of Los Angeles Sheriff's Department, Walnut Station, researched the database from June 1, 2008, thru May 30, 2013. Upon review of the application, the Sheriff's Department had no objection to the Conditional Use Permit to authorize the sale of alcoholic beverages for on-site consumption (report attached).

Zoning Violations

There are currently no zoning violations reported for the site.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.**

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject

property is in Reporting District 2932. The average number of offenses reported is 90.9 and the actual number of crimes reported for District 2932 is 403.

The subject property lies within Census Tract 4087.24. There are currently 3 existing alcohol licenses in this census tract and 5 licenses are allowed. Therefore an undue concentration of alcoholic beverage licenses does not exist within Census Tract 4085.03.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. **PUBLIC COMMENTS.**
Rowland Heights Community Coordinating Council
The Rowland Heights Community Coordinating Council has reviewed the application and had no objection to the granting of the Conditional Use Permit.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The project site is located within the C – Commercial land use category of the Rowland Heights Community Plan. This designation is intended for retail commercial, service, and office uses. The existing restaurant and shopping center on the site is fit this category and is therefore consistent with the permitted uses of the underlying land use category.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

18. The existing restaurant has been in business for over five years at this location. Current zoning allows for the selling of alcoholic beverages once a CUP has been obtained. The restaurant already serves alcoholic beverages with an existing CUP and the selling of full-line alcohol will not be materially detrimental to the use, enjoyment, or valuation of property in the vicinity. Public health and safety will not be endangered by this restaurant's request to serve full-line alcohol.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

19. The existing restaurant is located inside of an existing commercial shopping center. The shopping center meets all size and shape requirements of Title 22.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. The existing restaurant is located in a commercial shopping center that is served by three local streets that are sufficient in width and improved to carry the quantity of traffic for the center.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

21. The subject restaurant is not located within a 600 ft. radius of any sensitive uses.

Therefore, the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

22. The existing restaurant is located inside a shopping center. The restaurant's front entrance faces inside the center. The shopping center's parking lot and a concrete block wall serves as a buffer area to the adjacent residences to the south at the rear of the center.

Therefore, the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

23. Currently, there are nine other establishments within a 500-ft. radius of the subject property that sell alcohol. These licenses include seven Type 41 licenses for on-site beer and wine sales, one Type 21 license for off-site general alcohol, and one Type 88 license for instructional tasting. Although this constitutes an undue concentration under code, the sale of alcoholic beverages at the restaurant would serve as a public convenience and necessity to the surrounding community by providing products and services that are consistent with other restaurants in the area. The ability to serve full-line alcohol would also be a unique service to the community as other nearby on-site alcohol restaurants serve beer and wine only.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

24. The proposed sale of alcoholic beverages at an existing restaurant will not adversely affect the economic welfare of the surrounding community. The sale of alcoholic beverages will enhance the economic activity in the neighborhood.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

25. There is no proposed work to be done on the exterior of the structure.

Therefore, the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

ENVIRONMENTAL DETERMINATION

26. The project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a CUP to allow the sale of alcoholic beverages at an existing restaurant.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and
- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius; and
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue

concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and

- H. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community; and
- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201300053 is Approved subject to the attached conditions.

Action Date: September 17, 2013

MM/SM
9/17/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-01000-(4)
CONDITIONAL USE PERMIT NO. 201300053**

PROJECT DESCRIPTION

The project is a conditional use permit to allow a full line of alcohol for on-site consumption, including beer and wine (Type 41 and/or 47 license), at an existing restaurant located in an existing shopping center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 17, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the restaurant and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with

the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings

shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

18. The conditions of this grant shall be retained on the premises at all times and shall be made available upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein;
19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
20. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request;
21. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced;
23. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar

- public service area. Such telephone numbers shall be visible by and available to the general public;
24. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 11:00 p.m. seven days a week;
 25. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary;
 26. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
 27. All servers of alcoholic beverages must be at least 18 years of age;
 28. There shall be no music or other noise audible beyond the restaurant premises;
 29. No live entertainment, dancing, or dance floor is authorized in or outside the premises;
 30. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only;
 31. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited;
 32. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation;
 33. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand, and;
 34. Food service shall be continuously provided during operating hours.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THE EXISTING JAPANESE RESTAURANT HAS BEEN IN BUSINESS FOR OVER 5 YEARS AT THIS LOCATION. CURRENT ZONING ALLOWS RESTAURANT TO APPLY C.U.P. FOR ADDED ALCOHOLIC BEVERAGE SERVICE. THIS ADDITION WILL NOT ADVERSELY AFFECT THE HEALTH, PEACE, COMFORT OF THE NEIGHBORS, AND WILL NOT BE MATERIALLY DETRIMENTAL TO THE USE, ENJOYMENT OR VALUE OF THE PROPERTY IN THE VICINITY, AND PUBLIC HEALTH, SAFETY WILL NOT BE ENDANGERED BY THIS RESTAURANT'S REQUESTED USE TO SERVE ALCOHOLIC BEVERAGES.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

THE EXISTING JAPANESE RESTAURANT IS LOCATED INSIDE OF A COMMERCIAL SHOPPING CENTER. THE DESIGN OF THE SHOPPING CENTER MEETS ALL REQUIREMENTS PER TITLE 22, IN SIZE, SHAPE, YARDS, WALLS, FENCE, PARKING AND LOADING, LANDSCAPING.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

THE EXISTING JAPANESE RESTAURANT IS LOCATED IN A COMMERCIAL CENTER THAT IS SERVED BY THREE LOCAL STREETS ON THREE SIDES, COLUMBIA, BALSON AVE AND SIERRA, AND THEY ARE SUFFICIENT IN WIDTH, AND IMPROVED TO CARRY THE STANDING QUANTITY OF TRAFFIC FOR THE CENTER.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): 41 (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

THE REQUESTED C.U.P IS FOR AN EXISTING RESTAURANT TO SERVE BEER & WINE ON SITE, THERE ARE NO RELIGIOUS WORSHIP, SCHOOL, PARK, PLAYGROUND WITHIN 600 FOOT RADIUS.

THEREFORE THE REQUESTED USE WILL NOT ADVERSELY AFFECT THE NEIGHBORHOOD

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

THE EXISTING RESTAURANT IS LOCATED INSIDE A SHOPPING CENTER AND THEIR FRONT ENTRANCE IS ALSO FACING INSIDE OF THE CENTER, THE PARKING LOT SERVES AS BUFFER AREA TO THE ADJACENT RESIDENTIAL AREA TO THE SOUTH, WHICH IS ALSO THE BACK OF THE SHOPPING CENTER.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

THE PROPOSED SERVICE OF PROVIDING BEER AND WINE FOR THE PATRON OF AN EXISTING RESTAURANT WILL NOT RESULT IN UNDUE CONCENTRATION OF THE PREMISE. WE EXPECT 95% OF SALE WILL BE FOOD ITEM.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community. NO ADVERSELY AFFECT BEVERAGES

THE PROPOSED SERVICE IS FOR AN EXISTING RESTAURANT TO SERVE BEER AND WINE AND WILL NOT ADVERSELY AFFECT THE ECONOMIC WELFARE OF THE SURROUNDING COMMUNITY.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THERE ARE NO PROPOSED WORK ON THE EXTERIOR OF THE STRUCTURE, THEREFORE IT WILL NOT CAUSE DETERIORATION NOR IMPAIR VALUE WITHIN SAID NEIGHBORHOOD

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:

18438 Colima Rd Ste 107
Rowland Heights 91748-5822 (CMT)

LICENSE TYPE: 41/47

1. CRIME REPORTING DISTRICT

 Jurisdiction unable to provide statistical data.

Walnut SS

Reporting District: 2932

679-B5

Total number of reporting districts: 553

Total number of offenses: 50,259

Average number of offenses per district: 90.9

120% of average number of offenses: 109.1

Total offenses in district: 403

Location is within a high crime reporting district: Yes/No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4087.24

Population: 5,362 / County Ratio 1:1,061

Number of licenses allowed: 5

Number of existing licenses: 3

Undue concentration exists: Yes/No

Letter of public convenience or necessity required: Governing Body / Applicant. N/A

Three time publication required: Yes/No

SP2/L3
 Person Taking Application

Investigator

Supervisor

Over

May 30, 2013

To Steve Mar,

Regarding:

"Conditional Use Permit for the Sale of Alcohol" at the "Ton Ten Ko" Restaurant, located at Hong Kong Plaza, 18438 Colima Rd. Suite #107, Rowland Heights.

Based on the information we researched. We at the Walnut/Diamond Bar Sheriff Station have "No Objection" to the issuance of an alcohol usage permit, and recommend approval.

Sincerely,

A handwritten signature in black ink, appearing to be 'Louis Denver', written over the typed name.

Rowland Heights Community Relations Deputy Louis Denver
Walnut/Diamond Bar Sheriff Station
21695 E. Valley Blvd., Walnut, CA. 91789
(626) 913-1715 Ext. 3066

Insert Sheriff Letterhead

Subject: Conditional Use Permit (CUP) Consultation for Sale of Alcohol

Project No.: R2013-01000-4

Permit No.: CUP201300053

Establishment: Ton Ten Ko (TTK) Japanese Restaurant

Location: 18438 Colima Rd., #107, Rowland Heights

Description: The applicant is requesting a conditional use permit (CUP) for a Type 41 license (beer and wine for on-site consumption) and a Type 47 license (full-line alcohol for on-site consumption) at an existing restaurant within an existing shopping center (Hong Kong Plaza) in the G-3-BE (Unlimited Commercial - Billboard Exclusion) zone. There are nine other establishments within a 500-ft radius that sell alcoholic beverages.

(1) Summary of service calls and crime history for the project site over the last five years:

Please provide a summary of service calls and crime history for the project site over the last five years. Provide the total number of service calls, and summarize the types of calls (violent crimes by type, property crimes by type, other activities, etc.). When providing a CFS (Call for Service)/Incident/Event report, please provide a redacted version. (These documents are kept in our case files and are subject to public records act requests.)

For example: "The Sheriff's Department has responded to five calls for service at 3344 Central Ave, Los Angeles in the past five years; two calls for loitering and three calls for public drunkenness. Attached is the CFS report of those calls for your review."

(2) Comments/recommended conditions:

Please provide any comments or recommend conditions of approval you feel are necessary to maintain public safety at the project site.

For example: "All calls for service have been routine in nature. This establishment has not been a problem." or "The parking lot is poorly lit. Establishment needs better lighting in the parking lot."

(3) Overall recommendation:

☒ Sheriff recommends approval of this CUP.

☐ Sheriff does **NOT** recommend approval of this CUP.

Steven Mar

From: Beth Hojnacke [spunx903@roadrunner.com]
Sent: Sunday, July 14, 2013 11:35 AM
To: Steven Mar
Cc: te44444@hotmail.com
Subject: RE: RCUP T201300053 / R2013-01000 Ton Ten Ko Restaurant - Rowland Heights Community Coordinating Council

There were no objections.

Beth Hojnacke

Immediate Past President
Rowland Heights Community Coordinating Council, Inc.
www.rhccc.netfirms.com
562-544-3828

From: Steven Mar [mailto:smar@planning.lacounty.gov]
Sent: Monday, July 08, 2013 9:31 AM
To: Beth Hojnacke
Subject: RE: RCUP T201300053 / R2013-01000 Ton Ten Ko Restaurant - Rowland Heights Community Coordinating Council

Hi Beth, I just wanted to follow up if the Rowland Heights Community Coordinating Council had a chance to discuss the pending CUP alcohol application for the Ton Ten Ko Restaurant. Thanks.